

Hampden

COMMONWEALTH OF MASSACHUSETTS

Superior Court Department

CIVIL ACTION NO. 05-602

ROMAN CATHOLIC BISHOP OF SPRINGFIELD, a corporation sole
PLAINTIFF

V.

Travelers Property Casualty Company, Massachusetts Insurers Insolvency Fund, North Star Reinsurance Corporation, Underwriters at Lloyd's, London, Centennial Insurance Company, Interstate Fire & Casualty Company and Colonial Penn Insurance Company
DEFENDANTS

PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO DEFENDANTS' DISCOVERY REQUESTS TO JULY 21, 2006

Now comes the Plaintiff, the Roman Catholic Bishop of Springfield, a corporation sole, by its attorneys and it moves that time be extended from the date currently ordered by the Court for the Plaintiff's response, June 30, 2006, to July 21, 2006 in order for Plaintiff to complete its response to Defendants Interrogatories and Requests for Production of Documents.

In support of this Motion, Plaintiff says that additional time is needed due to the broad scope of discovery requested, the fact that there are more than 100 claims underlying this action, that are additional claims for which Defendants seek discovery, the fact that the time period of these claims covers more than 50 years, and that the extent of the potentially responsive material is extraordinary. Plaintiff has made substantial progress in preparing its responses. Over 17,000 pages of documents have been copied, numbered and reviewed. Privilege logs have been prepared with respect to much of that material and Plaintiff is in the process of producing copies of the discoverable portion of that material together with relevant privilege logs and a Preliminary Response to Defendants' Request for Production of Documents. However, Plaintiff estimates that there remains about 10,000 pages of material which has been partially reviewed, but, which must be copied and numbered after the review is completed and for which privilege logs must be prepared before a full response to the document request or complete answers to interrogatories can be submitted.

HAMPDEN COUNTY
SUPERIOR COURT

FILED

JUL 17 2006


CLERK-MAGISTRATE



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COMMONWEALTH OF MASSACHUSETTS

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CIVIL ACTION No. 05-602

ROMAN CATHOLIC BISHOP OF SPRINGFIELD, A CORPORATION SOLE
PLAINTIFF

v.

TRAVELERS PROPERTY CASUALTY COMPANY, MASSACHUSETTS INSURERS INSOLVENCY FUND, NORTH
STAR REINSURANCE CORPORATION, UNDERWRITERS AT LLOYD'S, LONDON, CENTENNIAL INSURANCE
COMPANY, INTERSTATE FIRE & CASUALTY COMPANY AND COLONIAL PENN INSURANCE COMPANY
DEFENDANTS

**PLAINTIFF'S PRELIMINARY RESPONSES TO DEFENDANTS' (JOINT)
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Now comes the Plaintiff, The Roman Catholic Bishop of Springfield, a corporation sole, by its attorneys and it responds preliminarily to Defendants' Requests for Production of Documents as set forth below. Each of Plaintiff's responses is subject to its General Objections, as well as such other objections as may be asserted with respect to individual requests.

GENERAL OBJECTIONS

The Defendant Diocese responds to each of the numbered requests subject to the following objections:

- A. Insofar as any of these requests seek the production of confidential attorney/client communications, the Plaintiff objects and refuses to produce the requested documents.
- B. Insofar as any of these requests seek the production of material which constitutes a confession, a communication seeking religious or spiritual advice or comfort, or advice given thereon by a member of the clergy which has not been waived by the person making the confession nor seeking the religious or spiritual advice, or comfort. The Plaintiff refuses to produce such materials.
- C. Insofar as any of these requests seek the production of material which was prepared or obtained in anticipation of litigation or for trial by the Diocese or the Diocese's attorneys or representatives, the Plaintiff objects to that requests and refuses to produce those materials.
- D. Insofar as any of these requests seek the production of information or material protected

by the First Amendment or other ecclesiastical privilege or doctrine of religious autonomy, the Plaintiff objects to the request and, except to the extent of voluntarily produced herein, the Plaintiff refuses to produce the requested material, which includes without limiting the foregoing the so-called “Laicization” and “Sacramentorum Sanctitatis Tutela (Safeguarding the Sanctity of the Sacraments)” documents.

- E. Insofar as any of these requests seek the production of information which is privileged pursuant to M.G.L. c. 112, §§ 135, 135A and 135B, or Chapter 233, §§ 20A and 20B and Chapter 214, § 1B, or other laws protecting physical or mental health records, the Plaintiff refuses to produce the requested material.
- F.. Insofar as the instructions set forth in the plaintiff’s requests seek to impose an obligation on the defendant different or greater than that imposed by the applicable Massachusetts Rules of Civil Procedure, the defendant objects to the instruction and makes this response pursuant to the applicable Massachusetts Rules.

The objections set forth above are referred to hereafter as defendant’s “General Objections.”

REQUEST NO. 1:

All Documents referencing or relating to the Diocese’s decision, or referencing or relating to any other action taken by the Diocese, to purchase liability coverage from Aetna, including but not limited to the Aetna Policies.

RESPONSE NO. 1:

Plaintiff will produce the requested documents subject to its General Objections.

REQUEST NO. 2:

All Documents referencing or relating to the Diocese’s decision, or referencing or relating to any other action taken by the Diocese, to purchase liability coverage from Home, including but not limited to the Home Policies.

RESPONSE NO. 2:

Plaintiff will produce the requested documents subject to its General Objections.

REQUEST NO. 3:

All Documents referencing or relating to the Diocese’s decision, or referencing or relating to any

other action taken by the Diocese, to purchase liability coverage from North Star, including but not limited to the North Star Policies.

RESPONSE NO. 3:

Plaintiff will produce the requested documents subject to its General Objections.

REQUEST NO. 4:

All Documents referencing or relating to the Diocese's decision, or referencing or relating to any other action taken by the Diocese, to purchase liability coverage through Gallagher Bassett.

RESPONSE NO. 4:

Plaintiff will produce the requested documents subject to its General Objections.

REQUEST NO. 5:

All Documents referencing or relating to the creation of the Diocese Loss Fund.

RESPONSE NO. 5:

Plaintiff will produce the requested documents subject to its General Objections.

REQUEST NO. 6:

All Documents referencing or relating to the Diocese's providing money or other assets for payment of claims, including but not limited to the Abuse Claims, against the Diocese by the Diocese Loss Fund.

RESPONSE NO. 6:

Plaintiff objects to this request insofar as it requests "all documents referencing or relating" to the payment of claims on the grounds that most of the requested information is irrelevant or duplicative of other information and responding as requested would be unduly burdensome and expensive. Plaintiff will provide reasonable documentation to establish the amount paid against its loss fund subject to its General Objections.

REQUEST NO. 7:

All Documents referencing or relating to the administration, handling or payment by the Diocese Loss Fund of claims, including but not limited to Abuse Claims, against the Diocese.